

## Occupational Safety and Health Review Commission

## § 2202.1

(b) The Freedom of Information Act Officer shall annually, on or before February 1 of each year, prepare and submit to the Attorney General an annual report covering each of the categories of records to be maintained in accordance with paragraph (a) of this section, for the previous fiscal year. A copy of the report will be available for public inspection and copying at the Commission Information Office and a copy will be accessible through the Internet at OSHRC's World Wide Web site at <http://www.oshrc.gov>.

[65 FR 24131, Apr. 25, 2000]

### PART 2202—RULES OF ETHICS AND CONDUCT OF REVIEW COMMISSION EMPLOYEES

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#### APPENDIX A TO PART 2202

AUTHORITY: Sec. 12(g), Pub. L. 91-596, (29 U.S.C. 661(f)); E.O. 11222, 3 CFR (Rev. 1974), 18 U.S.C. 201, note; 5 CFR 735.104; 18 U.S.C. 201-209 (1962).

SOURCE: 41 FR 53011, Dec. 3, 1976, unless otherwise noted.

### Subpart A—General

#### § 2202.1 Purpose and scope.

(a) This part is designed to implement provisions of Executive Order 11222, 3 CFR (Rev. 1974), May 8, 1965, "Prescribing Standards of Ethical Conduct For Government Officials and Employees," and 5 CFR 735.104 *et seq.* It prescribes standards of conduct for employees of the Occupational Safety and Health Review Commission (hereinafter OSHRC or the Commission) relating to conflicts of interest arising out of outside employment, private business and professional activities, and financial interests. It sets forth requirements for the disclosure of such interests by OSHRC employees. In addition, it states basic principles regarding employees' conduct on the job and the ethics of their relationship to OSHRC as their employer. This part applies to all regular and special Government employees except to the extent otherwise indicated herein. For the purpose of this part:

(1) *Regular employee* means an employee of OSHRC, but does not include a special Government employee.

(2) *Special Government employee* means an employee of OSHRC who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a fulltime or intermittent basis.

(3) *Employee* means a regular and a special Government employee.

(4) The term *office*, except where otherwise indicated, means an office which is not a part of a larger administrative subdivision of the Commission.

## **§ 2202.2**

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes in no way constitute an interpretation of construction thereof that is binding upon the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions upon or requirements of Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement.

### **§ 2202.2 Counseling service.**

(a) The Chairman has been designated OSHRC counsel in matters within the scope of the regulations in this part. Employees are expected to familiarize themselves with the regulations in this part, the laws and regulations on which they are based. Attention of all employees is hereby directed to the statutes set forth in 5 CFR 735.210 (see appendix A to this part). Employees who need clarification of the standards of conduct, and related laws, rules, and regulations should consult the Chairman.

(b) Each head of an office is responsible for application of the standards of conduct to employees under his jurisdiction. He is responsible for assuring that his employees are furnished copies of the regulations in this part not later than 90 days after they become effective. Each new employee shall be furnished such a copy no later than the time of his entrance on duty. The heads of offices shall assure that employees are advised of the times and places where counseling services are available. They shall assure that the regulations in this part are brought to the attention of each employee at least annually and at such other times as circumstances warrant.

### **§ 2202.3 Remedial action.**

(a) Failure of an employee to comply with any of the standards of conduct set forth in this part shall be a basis for such disciplinary or other remedial action as may be appropriate to the particular case. Such remedial action may include, but is not limited to:

- (1) Changes in assigned duties;
  - (2) Divestment by the employee of his conflicting interest;
  - (3) Disciplinary action; or
  - (4) Disqualification for a particular assignment.
- (b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive Orders and regulations.

## **Subpart B—Conduct**

### **§ 2202.4 General.**

(a) The effectiveness of OSHRC in fulfilling its statutory responsibilities depends upon the extent to which its officials and employees hold the public confidence. Employees are therefore required not only to observe the requirements of Federal laws, policies, orders and regulations governing official conduct, they must also avoid any apparent conflict with these requirements. Each employee shall avoid situations in which his private interests conflict or raise a reasonable question of conflict with his public duties and responsibility. An employee shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding Government efficiency or economy, losing complete independence or impartiality, making a Government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the Government.

(b) Employees must conduct themselves in such manner that OSHRC's work is effectively accomplished. They must observe the requirements of courtesy, consideration and promptness in dealing with or serving the public and all those interested in OSHRC. Although it is the policy of this agency not to restrict or interfere with the private lives of its employees, each employee is expected to conduct himself at all times so that his actions will not bring discredit upon OSHRC or the Federal service.

### **§ 2202.5 Nondiscrimination.**

No employee in this Commission while in the performance of his duty